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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,187	03/28/2002	Mark Jeffries	55954	4765

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EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/063,187	Applicant(s) JEFFRIES, MARK	
	Examiner Andre' L. Jackson	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-25 and 36-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 and 40-48 is/are allowed.
- 6) ☐ Claim(s) 23,24,36 and 37 is/are rejected.
- 7) ☒ Claim(s) 22,38 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 22, 38 and 39 are objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 22, the phrase "at least substantially centrally along said D-shaped ring member" renders the claim indefinite because it is unclear to what bounds a substantially centrally" location of the supports connected to the D-shaped ring member.

The Examiner interprets a "substantially centrally" position of the D-shaped ring member to be the opening between the base and curved leg of the D-shaped ring member. Moreover, applicant's specification and claims fail to explain or illustrate opposed supports attached to the D-shaped ring member at least substantially centrally there-along as broadly interpreted by the Examiner, therefore the claim(s) is unclear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22, 38 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,065,917 to Shambeau et al. Shambeau et al discloses a D-ring anchor device for use with a cargo bed of a vehicle, comprising;

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a D-shaped ring member having a curved leg (48) and a base (46), the D-shaped ring member having a unitary construction, the leg and the base are integrally attached to one another; at least one tab (52) integrally connected to the base, the base of the D-shaped ring member rotatably coupled to a substrate/faceplate member (34), such that pressure on the at least one tab moves the D-shaped ring member outward; and a foot member (32) including a pair of opposed supports (54) for being hingedly attached to the D-shaped ring member (at 56) at least substantially centrally along the D-shaped ring member, the foot member configured for rotatably coupling to the substrate/faceplate member to actuate a latch member (connector attached to the D-shaped ring member).

As to claims 38 and 39, the tab is formed at a top edge of the base longitudinally disposed and projecting outward at an angle relative to the base. The tab includes outer edges that taper in a rounded or concave manner merging into the top edge of the base.

Allowable Subject Matter

Claims 23, 24, 36 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 25 and 40-48 are allowed over the prior art.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to disclose the combination of structural elements and the arrangement of these structural elements as set forth in applicant's claims above. In particular, the prior art fails to disclose a handle in a d-shape comprising ring member having a curved leg and a base, the ring

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member having a unitary construction. The leg and said base are integrally attached to one another and at least one tab is integrally connected to the base and at least two tubes or a block member is connected to the base. The d-shape handle is rotatably coupled to a substrate member, such that pressure on the tab moves the ring member outward. Further, a foot member includes a pair of opposed supports hingedly attaching to the ring member, the block member, including a hole or the two tubes define holes that passes through the block member or tubes respectively, wherein the pair of opposed supports receives and holds a pin member, which passes through the block and/or tube members and at least partially through each of the opposed supports at least substantially centrally along the base of the ring member to rotatably attach the ring member to a substrate.

None of the prior art references whether taken alone or used in combination disclose the structural arrangement and combination of claimed limitations as presented in applicant's claims.

Response to Applicant's Arguments

Applicant's arguments filed in the Amendment of November 7, 2005 have been fully considered but they are not persuasive. Claims 22, 38 and 39 are found to be indefinite for failing to particularly point out and distinctly claim the subject matter in which applicant regards as the invention. Thus, Shambeau et al remains as the prior art reference used to reject the above claims as set forth in this Action. Claims 23, 24, 36 and 37 are objected to and claims 25 and 40-48 are deemed to be allowable over the prior art of record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (9:30 am - 6 pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ



ROBERT J. SANDY
PRIMARY EXAMINER